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WALTER JONES AND HIS TIMES.

By MISS FANNY LEE JONES.

(Read before the Society April 1, 1901.)

"You'd scarce expect one of my age
To speak in public on the stage,"

especially as I cannot say of myself as Byron has written of my elder brother, Old Ocean—

"Time writes no wrinkle on thine azure brow,"

but the old rascal has planted deep and long the furrows of many cares and many sorrows. My youth lies dead, but a phoenix may arise from its ashes if anything that I can say, or do may serve to perpetuate in the minds and hearts of his fellow-citizens, the name and fame of my honored and ever-lamented father, whose memory dwells in my conscious and unconscious hours and whose name trembles on my lips. Heredity being the recognized factor of most of the actions of human beings, it cannot be amiss, before entering upon the life of Walter Jones, to cast a glance backward, for a few moments, at the gifts and characteristics of his father, Dr. Walter Jones, of Northumberland County, Va., a physician of eminence in his day. He was the son of Col. Thomas Jones and Elizabeth Catesby, his wife. Elizabeth Catesby was the sister of Mark Catesby, the English naturalist, who came over to America to study its fauna and flora and whose work on the subject is of acknowledged value, though only two copies are now in existence, one in the Library in London and one in the Library of Congress.

Dr. Jones was appointed by Congress physician of

the middle district of Virginia, and also represented his county in Congress during the years 1797-99, and again from 1801-1809. He was a man of brilliant intellect, celebrated for his wit and conversational powers, the intimate friend and chosen companion of President Jefferson.

The late Francis Scott Key was wont to relate with great enjoyment an anecdote of him, as illustrating the small estimation in which he held the little conventionalities of fashionable life, that on one occasion when paying a visit with a companion in the court end of the city about the time of the first introduction of visiting cards, when our now beautiful and much vaunted capital was little more than a swamp, the embryo city of magnificent distances, not finding their friends at home Dr. Jones in playful derision of the new fad of leaving cards, picked up a chip and writing their names upon it, left it upon their fashionable friends.

Walter Jones was born at his father's country seat, Hayfield, Northumberland County, Va., October 7, 1777. His boyish days were pretty much distinguished by a rugged hardihood, physical and mental, a rare love of fun and frolic, a chivalrous devotion to his mother and, of course, a love of books. He always held that it was not worth while to force education on an unwilling mind, that if there was mind it would feed itself, and his appetite in that direction was keen and vigorous. When my brother was about going to college, a plain old farmer, who had a great admiration for my father, advised him if he wanted to be a great man like his father, he must put his head in the book until he got the book in his head. My father received his classical education from a Scotch tutor named Ogilvie, who came to America under the patronage of my grandfather's friend, President Jefferson. And how those classics were inter-

woven into his mental constitution was evidenced not only in the precision and elegance of his language, which was indeed "a well of English pure and undefiled," but in the richness of illustration with which he illuminated every subject that he touched. Himself a purist in language, he was restive under any misapplication of it, especially any pedantic and irrelevant mixing of foreign words and phrases, which he was wont to designate as "piebald English." So keen was his perception of the fitness of words that he never failed to detect the least misapplication of them even in authors that most challenged his admiration. An instance of this occurs in some marginal pencillings in which, while crediting Byron with having more of the divine afflatus than any other English poet, he quotes the beautiful couplet—

"But who can tell how feebly words essay
To fix one spark of beauty's heavenly ray,"

and yielding it due admiration, he inquires, "But how can there be a spark of a ray?"

The late Philip R. Fendall in his eulogy delivered at the memorial services upon the death of General Jones, speaks of this particular gift in the following language: "The careless but inimitable beauties of his conversation gave delight to every listener." A stenographer might have reported it with the strictest fidelity yet nothing would have been found to deserve correction. His most casual remark was in a vein of originality and couched in terms terse, succinct, sententious, and of the purest English. He always used the very word which was most appropriate to the thought; and, as had been said of another, "Every word seemed to be in its proper place," and yet to have fallen there by chance. "An habitual student of the philosophy of language in general and of the English in particular, he was most im-

patient of the pedantries and affectations which he saw defiling his mother tongue. No writer or speaker had a keener sense of the force of the English idiom; nor Swift, nor Chatham, nor Junius knew better that words are things."

He studied law under Bushrod C. Washington, afterwards Justice of the Supreme Court of the United States, was admitted to the bar in May, 1796, six months before the legal age of twenty-one. His first practice was in the courts of Fairfax and Loudoun counties, Virginia, where he was wont to be spoken of as "The little curly-headed lawyer who was going to make such a noise in the world." By President Jefferson he was appointed Attorney of the United States for the District of Potomac in 1802, and for the District of Columbia in 1804, which office he resigned in 1821.

In May, 1808, he was married to Anne Lee, daughter of Charles Lee, Attorney General under Washington and Adams, and granddaughter on her mother's side of Richard Henry Lee, whose resolution in Congress "That these United Colonies are and of right ought to be Free and Independent States" initiated our great struggle for independence and caused him to be called "The Father of the Revolution." From the time of his marriage, Washington became his permanent home and from that time until a few years before his death, there was scarcely any case argued before the Supreme Court of the United States that his services were not enlisted on one side or the other. A few of these cases deserve mention, notably the Girard Will case; the case of Myra Clark Gaines against Relf & Chew, the executors of her father, Daniel Clark; McCulloh vs. Maryland; the Randolph Will case; and the case of the Chesapeake and Ohio Canal Company against the Baltimore & Ohio Railroad Company, reported in 4 Gills',

Maryland reports, preserves a highly rhetorical chancery pleading by him. Some incidents of two of his most celebrated cases, among the most celebrated ever argued before the Supreme Court of the United States, I am able, though I was very young at the time, to give from my own recollection.

The Girard Will case in which the lawyers employed by the heirs to break the will, were Mr. Stump of Maryland, who first discovered the flaw in the will, Walter Jones, senior lawyer, and Daniel Webster. The lawyers employed by the City of Philadelphia to maintain the will of which that city was the legatee, were Messrs. Binney and Sargent, their then two most prominent lawyers. They argued their side with ability and no little heat, being unwilling that their city should lose the beautiful college which she had forthwith proceeded to erect.

One of the main points of counsel opposed to them was that the college was an unchristian institution inasmuch as one of the provisions of the will was that no minister of the gospel should enter its walls. Mr. Binney said with some asperity that they had made religion a stalking horse to stalk off with the orphan's bread, to which Walter Jones replied, in allusion to the vast sum consumed in erecting the costly and beautiful building, that the orphans had asked for bread and they had given them stone, very beautiful stone indeed, but still stone. Many such brilliant passages at arms occurred between the counsel on either side. Quietly and in those low distinct tones heard throughout a crowded court room, which Rufus Choate has described as "The silver voice of Walter Jones," prefacing his argument with—"I refer your honors to such a book, such a page," a vast amount of evidence was presented to the judges, whereupon the pens which had hitherto been inglorious-

ly resting behind the ears of the honorable, the judges, quickly descended from their perch of honor and diligently performed their appointed work. The evidence disposed of, there followed an argument close and convincing, illumined with flashes of wit and satire that made the old court room resound with laughter. In reply to opposing counsel who had tried to prove that the ministrations of the clergy were not necessarily excluded from the college, he said that he did not know what capacity the clerical gentlemen had for springing over the wall, which caused no little merriment among the clergy who were present in great numbers. The concluding argument belonged of right to Walter Jones as senior counsel in the case, but he courteously waived the right in favor of his colleague, Daniel Webster. Up rose great Dan, immaculate in white shirt bosom, blue cloth coat and brass buttons, his deep-set eyes kindling with more than their wonted fire, and delivered one of the most beautiful and powerful arguments in defence of the Christian religion ever uttered, but he also rather slighted weightier matters of the law as bearing on the Girard Will case.

It was perhaps the one instance in the history of the world when the Law should have taken precedence of the Gospel. The case was decided against the heirs, although it was said that in thus deciding, the Supreme Court had reversed three of their previous decisions. Walter Jones said with regard to it that the judges had "Swallowed their own opinions like hearty fellows." In social intercourse he playfully rallied some of them upon their decision. They replied: "Well, we gave you the Gaines case." "And how did you give it me? Just as a pig squeezes through a fence." Some years after the decision of the Girard case, one of my young sisters was on a visit to Philadelphia, the guest of Mr.

George Richards, who took her to see Girard College. Mr. Richards remarked to the person showing the building, telling him who she was, "Miss Jones thinks all this ought to belong to her." And the custodian replied, turning to Miss Jones, "But we have it, and you know that possession is nine points of the law." To which she replied, aptly, "Yes, but it is all the *law* you have."

The Gaines case was tried during the same session and ably and eloquently argued by Walter Jones and the late Francis Scott Key. The decision was favorable, only to be reversed in the New Orleans court. Thus for thirty years it seemed a sort of game of battle-dore and shuttlecock between the United States Supreme Court and that of New Orleans, until the patience, perseverance and legal acumen of the lawyers, of whom Walter Jones was throughout the leading spirit, brought it to a successful termination.

With regard to his military career, there is little doubt that had not his logical mind pointed to the law as the fit arena for his talents he would have chosen that as his profession. Everything with regard to it had a great fascination for him, even to seeing a military parade. He took part in the battle of Bladensburg. In 1821 he was commissioned by President Monroe, Brigadier General of the Militia (which time-stained parchment I now hold in my hand), and soon rose to the rank of Major General. In full uniform, with blue saddle cloth embroidered with gold, he rode at its head on all public occasions—inaugurations, funerals of Presidents, etc. When, in 1835, a mob which had been incited by some incendiary agents were entering houses, destroying furniture and committing other outrages upon the citizens, he, at the head of the militia, succeeded in quelling the disturbance.

The house then occupied by Walter Jones, now owned and occupied by Miss Ellen Daingerfield, was a square brick structure at the northwest corner of Second and B streets northeast, with a small yard in front enclosed by a low, white, picket fence, and was only a stone's throw from the Capitol grounds and immediately on the turn-pike road to Baltimore. Between it and the Capitol grounds was a large green common, which divided itself in the center into two steep hills. Immediately in front of the house, across the street, were the hay scales where farmers brought their hay to be weighed, and to the right of the scales a row of small white houses where some of the laboring class lived. During the riot this was one of the points at which soldiers were stationed, and to it was assigned the gallant young Col. Charles May, since so renowned in our war with Mexico as the capturer of Gen. La Vego. Something occurred which he thought important to communicate to the General, and he rushed impulsively across the street with his tidings, only to be sternly ordered back to his post, much to the surprise of us children, not only at the unwonted sternness of one whom we were accustomed to see ever gentle of speech, but also at the apparent dwarfing of the importance of Col. May, whom we had been wont to regard with mingled admiration and awe, as he and my brother were in the habit of taking possession of our nursery and turning it into a theater, wrapping themselves in sheets and acting Hamlet, much to their satisfaction and our terror.

Scattered around this common were rows of houses, many of which were boarding-houses patronized principally by Members of Congress. The old Capitol itself was a boarding-house kept by a Mrs. Hill and John C. Calhoun boarded there, and he also died there in 1850. Another boarding-house very near Mrs. Hill's

was kept by the Misses Harrington, where James Buchanan and William King boarded, they were afterwards President and Vice-President respectively of the United States.

To take an early-morning stroll in these grounds was the habit of some of these gentlemen; Mr. Calhoun rarely ever failed to do so. There, too, were we children sent for the morning air. On one occasion we had turned the benches under the shade trees one over the other and were see-sawing on them, when John C. Calhoun passed by. One of the children, the daughter of Francis Scott Key, shouted out: "John C. Calhoun, my Joe John." It was when nullification was being denounced by caricatures, parodies, etc. One of the most telling of them was one on John Anderson, my Joe John, of which the refrain was: "You've nullified yourself, John, John C. Calhoun, my Joe John." There might also often be seen walking in the grounds a venerable, old gentleman dressed in the old style of shorts, with long black silk stockings and shoes with buckles; he was generally being led by a young girl. It was "The Blind Parson," as old Dr. Addison, of Georgetown, used to be designated, and his granddaughter. "Parson Hawley," who was then the rector of St. John's Church, dressed in similar style, and, as our family were his parishioners, he was also a familiar object. The dress of a lady of this period who lived at Brentwood, a mile or two beyond the city limits, has been thus described to me by one of my sisters who remembers it: "She drove into the city in her carriage to make a morning call on a winter's day, dressed in a white cambric dress, black velvet pelisse and a red velvet bonnet with a white plume, black satin slippers and white hose."

A character who was frequently to be seen haunting

the Capitol grounds and their environs was Mrs. Anne Royall, the editress of *The Huntress*. Her paper anticipated the *New York Herald* in dealing with personalities and outrivaled it in the vim of acrimony, with which it assailed those that fell under the ban of her displeasure, in which unfortunate class were included all who refused to subscribe to her paper. The ladies whom she favored were uniformly described as having "oval faces and Grecian features"; the men, as "intellectual giants."

In 1824, upon the occasion of Gen. Lafayette's visit to this country, Gen. Jones went to Alexandria at the head of the militia to meet and welcome him, and rode with him in a barouche and four through the streets of that town, then in gala attire in honor of the illustrious Frenchman. A floral arch, surmounted by a live eagle, spanned Washington street, whilst little boys and girls, both dressed in white with blue ribbon sashes, stood on either side of the street strewing flowers in his path and singing—the girls, "Happiness To-day is Ours"; the boys, "Strew Ye Fair His Way With Flowers." A little girl, the daughter of Mr. Robert I. Taylor, recited a poem of welcome, the words of which may be found in the History of the Washington and Alexandria Lodge.

In his civil as in his military responsibilities, Gen. Jones was ever the public-spirited citizen—his home, his head, his heart, his purse, were ever at the command of any that needed them. Was any plan initiated for the material improvement of the city, his powerful advocacy forwarded it; were wrongs to be redressed, his tongue, and if need be, his sword, sought to redress them. He was one of the founders and leading spirits of the American Colonization Society, and when the pious enterprise of erecting a monument to the "Father of His Country" was suggested, he was among the fore-

most and most earnest of its supporters. He assisted at the laying of the corner-stone, to which ceremony he escorted Mrs. Madison. He made a short but felicitous speech upon the occasion, which was published in the papers of that date, but which, I regret to say, I cannot command.

In the social circle he was ever accessible and genial, and especially companionable and sympathetic with the young, in whose society he took great pleasure. One of his relatives, Commodore Catesby Jones, himself a veteran of the war of 1812, said of him during the last decade of his life, that though well advanced in years he was playful as a kitten.

The question has often been asked why one who had so many cases involving large monied interests, the fees of any one of which would have enriched an ordinary practitioner, should not have died rich. The question is answered not only by the statement already made that his purse was ever open to applicants, and that he was careless in collecting his fees, but also probably more than to any other cause, to his not heeding Solomon's advice, "Be not surety for thy brother." He was by no means deficient in financial ability and all of his investments were judicious. His family were very much amused when upon his return home from one of his professional engagements about the time that the science of phrenology was coming into vogue, bringing with him the chart of the interpretation of the bumps of his head, which he had been persuaded to have examined, that the announcement of one of the bumps should be "money goes, can't keep it."

His bodily vigor seemed little impaired at an advanced age, his mental, never. His son-in-law, Dr. Miller, with whom he made his home during the last eleven years of his life, used to say that the more unfavorable

the weather so much the more apt was the General to take a long walk. But the days came when the strong men were bowed and the keepers of the house trembled. A short illness, borne with his wonted fortitude and patience, terminated his useful and unselfish life. When he felt the approach of the last enemy, he enquired if the end was near, and being told that it was, he proceeded to dictate his will. When it was finished, he requested a legal friend, Mr. Bayard Smith, to look it over and see if it was all right, and when told that it was, he sank back peacefully upon his pillow and shortly afterwards those glorious eyes closed forever upon the world which to him had meant so much of joy and sorrow, prosperity and adversity, to open, as we humbly trust, upon glory, honor and immortality.

Said the Honorable Philip R. Fendall at the meeting of the Bar called upon the occasion of the death of Walter Jones—"The glory hath departed from us."